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|--|------------------------|---------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number     | 09/853,450          |
|  | Filing Date            | May 9, 2001         |
|  | First Named Inventor   | Yanofsky, Martin F. |
|  | Group Art Unit         | 1638                |
|  | Examiner Name          | Not yet assigned    |
| Total Number of Pages in This Submission   | Attorney Docket Number | 19452A-002400US     |

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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |
|--|--|
| Firm and Individual name                   | Townsend and Townsend and Crew LLP<br>Matthew E. Hinsch<br>Reg. No. 47,651 |
| Signature                                  |  |
| Date                                       | November 27, 2002  |

| CERTIFICATE OF MAILING   |                   |
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| Typed or printed name  | Joy M. Marshall   |
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TOWNSEND and TOWNSEND and CREW LLP

By: Joy M. Marshall

Attorney Docket No.: 19452A-002400US  
Client Ref. No.: SD 1998-069

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

YANOFSKY et al.

Application No.: 09/853,450

Filed: May 9, 2001

For: COMBINATIONS OF GENES FOR  
PRODUCING SEED PLANTS  
EXHIBITING MODULATED  
REPRODUCTIVE DEVELOPMENT

Examiner: Stuart F. Baum

Art Unit: 1638

RESPONSE TO RESTRICTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 27, 2002, Applicants hereby elect with traverse the claims of Group I (claims 1-10, 12, 14-35, 37 and 39-65). In addition, Applicants elect SEQ ID NO:2 from "Group A" and SEQ ID NO:32 from "Group B" as specified by the Examiner.

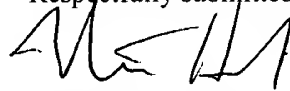
According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that

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Application No.: 09/853,450  
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examination of the claims in Groups I-IV would not create an undue burden and respectfully request withdrawal of the restriction requirement in this case.

Respectfully submitted,



Matthew E. Hinsch  
Reg. No. 47,651

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